

**MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION**

Date: October 15, 1998
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Gilbert N. Smith, Chairman
Tim Garrett, Councilmember
William Manier
Ann Nielson
Stephen Smith
Marilyn Warren

Absent:

Mayor Philip Bredesen
Douglas Small
James Lawson
Pat Tatum

Others Present:

Executive Office:

T. Jeff Browning, Executive Director
Carolyn Perry, Secretary II

Current Planning & Design Division:

Theresa Carrington, Planner III
Jennifer Regen, Planner III
John Reid, Planner II
Bob Leeman, Planner I
Jeff Stuncard, Planner I
James Russ, Planning Technician I

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Debbie Frank, Planner I

Advance Planning & Research:

John Boyle, Planning Division Manager

Others Present:

Jim Armstrong, Public Works

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Ms. Carrington announced addendum Subdivision No. 97S-152G to be added to the agenda before adoption by the Commission.

Ms. Nielson moved and Ms. Warren seconded the motion, which unanimously passed, to approve the agenda with the addendum.

ANNOUNCEMENT OF DEFERRED ITEMS

At the beginning of the meeting, staff listed the deferred items as follows:

96Z-148U	Deferred two weeks, by applicant.
98Z-160U	Deferred indefinitely, by applicant.
98Z-161U	Deferred indefinitely, by applicant.

Mr. Stephen Smith moved and Ms. Nielson seconded the motion, which unanimously passed, to defer the items listed above.

APPROVAL OF MINUTES

Ms. Nielson moved and Councilmember Garrett seconded the motion, which unanimously passed to approve the minutes of the regular meeting of October 1, 1998.

RECOGNITION OF COUNCILMEMBERS

Councilmember Dillard spoke in favor of Subdivision 98S-305G and Proposal 88P-020G.

ADOPTION OF CONSENT AGENDA

Ms. Nielson moved and Ms. Warren seconded the motion, which unanimously carried, to approve the following items on the consent agenda:

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-167G

Map 26, Parcels 56 (7.94 acres) and

Parcel 57.01 (5.55 acres)

Subarea 4 (1998)

District 10 (Garrett)

A request to change from R10 to CS District properties located at Gallatin Pike (unnumbered), approximately 1,200 feet east of Northside Drive (13.49 acres), requested by Thomas F. Diskin, appellant, for Thomas F. Diskin et ux, owners.

Resolution No. 98-790

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-167G is **APPROVED (6-0)**:

This property falls within the Subarea 4 Plan's Commercial Mixed Concentration (CMC) policy calling for a mixture of office, retail, and higher density residential uses. The CS district is consistent with this policy and the zoning pattern to the east and west."

Zone Change Proposal No. 98Z-168G

Map 98, Parcels 135 (3 acres) and 137 (3.02 acres)

Subarea 14 (1996)

District 12 (Ponder)

A request to change from RS15 to RS10 District properties located at South New Hope Road (unnumbered) and John Hagar Road (unnumbered), approximately 1,000 feet south of Bell Road (6.02 acres), requested by W. H. Eason, Jr., appellant, for Hilda Hagar Barnes and Pauline Hagar Wells, owners.

Resolution No. 98-791

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-168G is **APPROVED (6-0)**:

This property falls within the Subarea 14 Plan's Residential Low Medium (RLM) policy calling for up to 4 units per acre. The RS10 district is consistent with this policy and the surrounding single-family development pattern."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 116-74-G

Oak Highlands, Phase Two

Map 173, Part of Parcel 165

Subarea 12 (1997)

District 31 (Alexander)

A request for final approval for a phase of the Residential Planned Unit Development District located abutting the west margin of Blue Hole Road, south of West Oak Highlands Drive (17.93 acres), classified R15, to permit the development of 66 single-family lots, requested by MEC Inc., for Simon Sedek, owner.

Resolution No. 98-792

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 116-74-G is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (6-0)**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a final subdivision plat as well as the posting of bonds as may be required for any necessary public improvements prior to the issuance of any building permits."

Proposal No. 328-84-G

Harpeth Heights
Map 155, Parcel 82
Subarea 6 (1996)
District 35 (Lineweaver)

A request to revise the approved preliminary site development plan of the Residential Planned Unit Development District located abutting the north margin of Old Harding Pike, 400 feet south of Poplar Creek Trace (22.7 acres), classified RS20, to permit the development of 90 single-family lots to replace the approved 96 single-family lots, requested by Walter Davidson and Associates, for Landmark Realty Services, Inc. owner.

Resolution No. 98-793

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 328-84-G is given **CONDITIONAL APPROVAL OF A REVISION TO PRELIMINARY (6-0)**. The following conditions apply:

1. Written confirmation of preliminary approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. A traffic impact study submitted to and approved by the Metropolitan Department of Public Works, (Traffic Engineering Section), prior to any final site development plan approval.
3. The recording of a boundary plat.”

Proposal No. 16-86-P

Hermitage Market Place (Rojo Red Carwash)
Map 75, Parcel 167
Subarea 14 (1996)
District 12 (Ponder)

A request to revise the preliminary site plan and for final approval for a phase of the Commercial Planned Unit Development District located abutting the east margin of Old Hickory Boulevard, opposite Juarez Drive (1.80 acres), classified CS, to permit a 4,773 square foot carwash to replace a 1,000 square foot retail/restaurant use, requested by Alley and Associates, Inc., for John Owen, owner.

Resolution No. 98-794

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 16-86-P is given **APPROVAL OF A REVISION TO PRELIMINARY AND CONDITIONAL FINAL APPROVAL FOR A PHASE (6-0)**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Submittal to the staff of the Planning Commission an acceptable landscaping plan which includes the required tree density calculations.”

Proposal No. 68-87-P

Northside Station
Map 69-4, Parcel 232
Subarea 3 (1998)
District 2 (Black)

A request for final approval for a phase of the Commercial (General) Planned Unit Development District located abutting the east margin of Clarksville Pike, opposite Fairview Drive (.87 acres), classified CL and SCN, to permit the development of a 1,230 square foot fast food restaurant, to replace a 4,000 square foot restaurant on the approved plan, requested by Tribble and Richardson, for AFC Enterprises Inc. owner.

Resolution No. 98-795

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 68-87-P is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (6-0)**. The following condition applies:

Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.”

Proposal No. 84-87-P

Crossings at Hickory Hollow
Map 163, Parcel 361
Subarea 13 (1996)
District 28 (Hall)

A request to revise the approved preliminary site development plan of the Commercial (General) Planned Unit Development District located abutting the south margin of Mt. View Parkway at Hickory Hollow Parkway (1.75 acres), classified R10, to change the use from a 11,000 square foot commercial retail use to a 4,700 square foot convenience market, requested by Hodgson and Douglas, for Hickory Hollow Association, owner.

Resolution No. 98-796

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 84-87-P is given **CONDITIONAL APPROVAL OF A REVISION TO PRELIMINARY (6-0)**. The following condition applies:

Written confirmation of preliminary approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.

Proposal No. 88P-020G

Pawnee Trail, Phase 1
Map 53-14, Part of Parcel 79
Subarea 4 (1993)
District 9 (Dillard)

A request to revise a previous final approval for Phase 1 of the Residential Planned Unit Development District located approximately 130 feet south of Nawakwa Trail and approximately 150 feet east of Ocoee Trail (7.81 acres), classified RS15, to permit the development of 26 single-family lots, requested by Land Development Consultants, for James B. Hardy, et al, owner. (Deferred from meeting of 10/1/98).

Resolution No. 98-797

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-020G is given **CONDITIONAL FINAL APPROVAL FOR A PHASE (6-0)**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.

2. The recording of a final plat as well as the posting of bonds as may be required for any necessary public improvements prior to the issuance of any building permits.
3. Submittal to the staff of the Planning Commission a revised site plan which includes open space along the western portion of the phase as requested by the staff.
4. The applicant has agreed with this Phase One approval to clean, maintain and keep in proper working order the drain to the south of this Phase which Public Works has determined to be critical to the downstream drainage system.”

Proposal No. 94P-017G

October Woods, Phases 4 and 5
Map 183, Parcels 4 and 174, and Part of Parcel 173
Subarea 12 (1997)
District 31 (Alexander)

A request for final approval for Phase 4 and Phase 5 of the Residential Planned Unit Development District abutting the north margin of October Woods Drive, west of Old Hickory Boulevard (55.5 acres), classified R10 and RM15, to permit the development of 139 single-family lots, requested by Anderson-Delk and Associates, for Paul Johnson and Fred Yazdian, owners.

Resolution No. 98-798

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 94P-017G is given **CONDITIONAL FINAL APPROVAL FOR PHASES 4 AND 5 (6-0)**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a final plat as well as the posting of bonds as may be required for any necessary public improvements prior to the issuance of any building permits.

Proposal No. 98P-003G

Bellevue Assisted Living
Map 142, Parcel 12
Map 128, Part of Parcel 140
Subarea 6 (1996)
District 23 (Crafton)

A request for final approval of the Residential Planned Unit Development District abutting the east margin of Sawyer Brown Road, approximately 230 feet south of Esterbrook Drive (3.2 acres), classified RM9, to permit the development of a 76 unit assisted living facility, requested by R. Chris Magill - Architects, for Gaius Hill, authorized agent for Hazel Brown, owner. (Deferred from meetings of 9/17/98 and 10/1/98).

Resolution No. 98-799

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 98P-003G is given **CONDITIONAL FINAL APPROVAL (6-0)**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. The recording of a final plat as well as the posting of bonds as may be required for any necessary public improvements prior to the issuance of any building permits.

3. Submittal to the staff of the Planning Commission of a revised plan which includes the required masonry wall along the north and east property lines of the development.”

Proposal No. 98P-006E

Boys and Girls Club
Map 92-4, Parcel 139
Subarea 8 (1995)
District 19 (Sloss)

A request to revise the preliminary site development plan and for final approval for a portion of the Residential Planned Unit Development District located abutting the east margin of 16th Avenue North and the south margin of Ireland Street (Andrew Jackson Courts) (.83 acres), classified RM20, to permit the development of a 14,187 square foot community center, requested by Moody/Nolan Ltd., for Boys and Girls Clubs of Middle Tennessee, owner.

Resolution No. 98-800

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 98P-006E is given **APPROVAL OF REVISION TO PRELIMINARY AND CONDITIONAL FINAL APPROVAL FOR A PHASE (6-0)**. The following conditions apply:

1. Written confirmation of final approval from the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Map 92-4 Parcel 139 is comprised of 4 lots, 127 thru 130. Codes Administration has indicated they will issue a building permit without a revised subdivision plat to combine these four lots.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 97S-192G

Bedford Forrest
Map 181, Parcels 126 and 159
Subarea 12 (1997)
District 31 (Alexander)

A request for final plat approval to create 10 lots located at the north terminus of Waller Road, approximately 150 feet southwest of Nolensville Pike (12.95 acres), classified within the RS30 District, requested by Forrest H. King, Jr., owner/developer, James, E. McAleer, Jr., surveyor. (Deferred from meetings of 9/17/98 and 10/1/98).

Resolution No. 98-801

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-192G, is APPROVED SUBJECT TO A BOND OF \$139,000.00 (6-0).”

Subdivision No. 98S-339G

Pawnee Trail, Section 1
Map 53-14, Part of Parcel 79
Subarea 4 (1998)
District 9 (Dillard)

A request for final plat approval to create 31 lots abutting the southwest corner of Nawakwa Trail and Pawnee Trail (9.85 acres), classified within the RS15 Residential Planned Unit Development District, requested by James B. Hardy et al, owners/developers, Bruce Rainey and Associates, surveyor. (Deferred from meeting of 10/1/98).

Resolution No. 98-802

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-339G, is APPROVED SUBJECT TO A BOND OF \$335,500.00 (6-0).”

Subdivision No. 98S-349U

Coutras Property, Resubdivision of Lots 1, 2 and 3
Map 161-2, Parcels 76, 105 and 106
Subarea 12 (1997)
District 32 (Jenkins)

A request for final plat approval to reconfigure three lots into two lots abutting the west margin of Ashley Drive, approximately 305 feet south of Westcrest Drive (.80 acres), classified within the R10 District, requested by Margaret E. Pomy and Alfred H. and Gail G. Sanders, Jr., owners/developers, Daniels and Associates, surveyor.

Resolution No. 98-803

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-349U, is APPROVED (6-0).”

Subdivision No. 98S-351U

Jocelyn Hills, Section 1
Map 129-2, Parcel 45
Map 129-6, Parcels 50, 51, 57 and Part of
Parcels 10 and 11
Subarea 7 (1994)
District 23 (Crafton)

A request for final plat approval to create eight lots abutting the northwest margin of Clearbrook Drive and the northeast margin of Baskin Drive (20.44 acres), classified within the RS40 District, requested by Allen Cargile, owner/developer, Turner Engineering Company, surveyor.

Resolution No. 98-804

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-351U, is APPROVED SUBJECT TO A BOND OF \$10,000.00 (6-0).”

ADDENDUM:

Subdivision No. 97S-152G

Boone Trace at Biltmore, Section 3
Map 126, Part of Parcel 65
Subarea 6 (1996)
District 23 (Crafton)

A request for final plat approval to extend the common open space along the rear of lots 145 and 146, requested by Fox Ridge Homes, Inc., owner/developer, Barge, Waggoner, Sumner and Cannon, Inc., surveyor.

Resolution No. 98-805

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 97S-152G, is APPROVED (6-0).”

Request for Bond Extension:

Subdivision No. 113-84-G
Pinnacle Point, Phase 5
Chickering Development Company, principal
(Buildout is at 9%)

Located abutting the northwest margin of Piccadilly Row and both margins of Blue Mountain Lane.

Resolution No. 98-806

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 113-84-G, Bond No. 98BD-088, Pinnacle Pointe, Phase 5, in the amount of \$119,250 to 8/15/99 subject to submittal of an amendment to the present Letter of Credit by **11/15/98** which extends its expiration date to 2/15/2000. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Subdivision No. 96P-021U
Brownstone, Section 1
Radnor Homes, Inc., principal
(Buildout is at 42%)

Located abutting the north margin of Cloverland Drive, opposite Cottonport Drive.

Resolution No. 98-807

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 96P-021U, Bond No. 97BD-062, Brownstone, Section 1 in the amount of \$701,000 to 3/15/99 subject to submittal of a letter from the Frontier Insurance Company by **11/15/98** agreeing to the extension. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**”

Subdivision No. 97S-319G
Tree Haven, Section 1
Forrest Partnership, principal
(Buildout is at 0%)

Located abutting the east terminus of Asheford Trace, approximately 135 feet east of Murphywood Court.

Resolution No. 98-808

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for extension of a performance bond for Subdivision No. 97S-319G, Bond No. 98BD-025, Tree Haven, Section 1, in the amount of \$201,000 to 11/1/99 subject to submittal of an amendment to the present Letter

of Credit by **11/15/98** which extends its expiration date to 5/1/2000. **Failure of principal to provide amended security documents shall be grounds for collection without further notification.**

Request for Bond Release:

Subdivision No. 84-467-G
Village by the Creek, Section 9
Robert E. Earheart, principal

Located abutting both margins of Valley Creek, approximately 100 feet southeast of Valley Trail.

Resolution No. 98-809

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 84-467-G, Bond No. 94BD-007, Village by the Creek, Section 9 in the amount of \$12,000.”

Subdivision No. 93P-011G
Holt Woods, Section 11
Hurley-Y, L.P., principal

Located abutting both margins of Bryce Road and both margins of Argo Lane.

Resolution No. 98-810

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 93P-011G, Bond No. 97BD-037, Holt Woods, Section 11 in the amount of \$64,000.”

Subdivision No. 96S-004U
Hunters Run, Section 1
Butler Development, LLC, principal

Located abutting the east margin of Una Antioch Pike, opposite Richards Road.

Resolution No. 98-811

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 96S-004U, Bond No. 94BD-068, Hunters Run, Section 1 in the amount of \$75,500.”

Subdivision No. 97S-114U
Hunters Run, Section 2
Butler Developers, LLC, principal

Located abutting the east margin of Una-Antioch Pike, opposite Richards Road.

Resolution No. 98-812

“BE IT RESOLVED by the Metropolitan Planning Commission that it hereby **APPROVES** the request for release of a performance bond for Subdivision No. 97S-114U, Bond No. 97BD-018, Hunters Run, Section 2 in the amount of \$12,000.”

MANDATORY REFERRALS:

Proposal No. 98M-100U

Council Bill O98-1387

Former Alley No. 653 Property Conveyance

Map 163, Parcel 273

Subarea 10 (1994)

District 17 (Douglas)

A council bill to amend the Official Metro Street and Alley Acceptance and Maintenance Map by abandoning, vacating, and conveying the southern one-half of Alley No. 653, located between Hillside Avenue and Eighth Avenue (west of I-65), to adjoining property owners. (Re-referred from Metro Council on 10/6/98).

Resolution No. 98-813

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-100U.

Proposal No. 98M-105U

Donelson Middle School Property Acquisition

Map 96-6, Parcel 7

Subarea 14 (1996)

District 14 (Stanley)

A request from the Public Property Administrator to approve the purchase of 2.4 acres of property (zoned RS10), located south of the intersection of Lebanon Pike and Stewarts Ferry Pike, to accommodate the expansion of Donelson Middle School.

Resolution No. 98-814

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-105U.

Proposal No. 98M-107U

Stones River Court Easement Acquisition

Map 73-16, Parcels 72 and 73

Subarea 14 (1996)

District 15 (Dale)

A request from the Department of Water Services for the acquisition of an easement to accommodate the extension of a 6" water service line off of Stones River Court, just east of McGavock Pike.

Resolution No. 98-815

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-107U.

Proposal No. 98M-108U

Eastland Avenue Back Tax Property Sale

Map 83-6, Parcel 258
Subarea 5 (1994)
District 6 (Beehan)

A request from the Public Property Administrator to approve the sale of certain property located on Eastland Avenue and obtained by the Metropolitan Government of Nashville and Davidson County as a result of the previous owner's failure to pay property taxes.

Resolution No. 98-816

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-108U.

Proposal No. 98M-111U
Council Bill No. 098-1390
Tennessee NFL Stadium Property Transfer
Map 93-2, Parcels 67, 68, 86, 87, 103-105 and 112
Subarea 9 (1997)
District 6 (Beehan)

A council bill authorizing the transfer of certain properties held by the Metropolitan Government of Nashville and Davidson County to the Metropolitan Development and Housing Agency to accommodate the NFL Stadium Project.

Resolution No. 98-817

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES (6-0)** Proposal No. 98M-111U.

OTHER BUSINESS:

4. A proposal to amend the 1998-99 to 2003-04 Capital Improvements Budget and Program by adding one Metropolitan Action Commission project.

Resolution No. 98-818

"BE IT RESOLVED by the Metropolitan Planning Commission that it approves the proposal to amend the 1998-2004 Capital Improvements Budget and Program by adding a new Metropolitan Action Commission Project as follows:

I.D. No. 98AC001
Purchase Building
Head Start Parent Training Center

\$60,000

Federal Funds

FY 1998-99

This concluded the items on the consent agenda.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 98Z-125U

Map 135, Parcels 69 (1.67 acres) and 261 (.11 acres)

Map 69, Parcel 273 (50 acres)

Subarea 13 (1996)

District 27 (Sontany)

A request to change from AR2a and R15 Districts to CS (8.77 acres) and RS7.5 Districts (43.01 acres) property located at 2215 Murfreesboro Pike and Murfreesboro Pike (unnumbered), on the east margin of Franklin Limestone Road at the northern terminus of Olive Circle (51.78 acres), requested by Marion Thurman, appellant, for Francis Ransom and James W. Ransom et ux, owners.

Ms. Regen stated staff is recommending disapproval. The request is to rezone a portion of a piece of property that extends from Murfreesboro Pike to Franklin Limestone Road from Agricultural to RS7.5, a single family residential district; as well as to rezone a portion along Murfreesboro Pike from Agricultural and Residential to Commercial Services. Staff is recommending disapproval because the RS7.5 that is proposed exceeds the residential density which the subarea plan recommends, as well as would permit smaller lots than the adjacent subdivision to which it would connect. Staff recommends RS10 zoning, which would be consistent with the adjoining subdivision. Franklin Limestone Road needs to be widened and realigned so it would be prudent to maintain lower densities than the RS7.5 zoning district.

Staff is also recommending disapproval of the Commercial Services portion because the subarea plan is calling for residential-medium density uses and not commercial uses.

Mr. Manier asked if there was some way the ingress/egress could be accomplished without using Franklin Limestone Road.

Chairman Smith stated Murfreesboro Pike could be used.

Ms. Regen stated that access would be examined when a plan of subdivision is submitted. Staff would expect that access would be eastward to Murfreesboro Road, southward through the existing subdivision, and secondarily, westward to Franklin-Limestone Road.

Ms. Nielson moved and Mr. Manier seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-819

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-125U is **DISAPPROVED (6-0)**:

This property falls within the Subarea 13 Plan's Residential Medium (RM) policy along Murfreesboro Pike and Residential Low Medium (RLM) policy to the west. The proposed CS district is inconsistent with the RM policy which calls for 4 to 9 units per acre along Murfreesboro Pike. The proposed RS7.5 district exceeds the density called for by RLM policy which is up to 4 units per acre."

Zone Change Proposal No. 98Z-166U

Map 162, Parcels 192 (2.55 acres) and 193 (2.59 acres)

Subarea 12 (1997)

District 31 (Alexander)

A request to change from AR2a to CS District properties located at Bell Road (unnumbered), approximately 1,800 feet east of Old Hickory Boulevard (5.14 acres), requested by Himanshu Patel, appellant, for J. R. Miller, owner.

Ms. Regen stated staff is recommending disapproval as contrary to the General Plan. The property lies to the east of a commercial node. That node was originally established to have 100,000 square feet maximum. There have been recent rezonings that have expanded that node and currently there is potential to develop approximately 175,000 square feet of commercial development. The proposed zone change properties fall well outside that commercial node and fall within a residential policy. There is a residential medium policy to the TVA line with a residential low-medium policy to the south. Staff feels the commercial node cannot be interpreted to be extended any further east, and therefore this commercial zoning would be spot zoning within a residential district.

Councilmember Garrett stated Councilmember Alexander had explained to him that with the TVA lines across the property no one would want to build a house on the property and there was not enough room to build a house on it because of the lines and the creek. Maybe there was a mistake made by the community by putting this as residential in the general land use policy.

Chairman Smith stated the problem the Commission had looked at for years had more to do with Old Hickory Boulevard and Bell Road and not having that entire strip being commercial all the way through. If this land use is changed perhaps the whole area should be revisited.

Councilmember Garrett stated this project will probably show up on the Council floor and regardless of what is done by the Commission it will probably pass.

Chairman Smith stated the Commission had to consistently understand what their role is and what the Council's role is and respect it.

Mr. Manier stated this seemed to be an extreme case of spot zoning and will deteriorate the other side of the road as well and will be unstoppable.

Mr. Manier moved and Ms. Warren seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-820

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 989Z-166U is **DISAPPROVED as contrary to the General Plan (6-0):**

This property falls within the Subarea 12 Plan's Residential Medium (RM) policy along Bell Road and Residential Low Medium (RLM) policy south of the TVA line. The RM policy calls for 4 to 9 units per acre and the RLM policy calls for up to 4 units per acre. Expanding CS to these properties would violate the RM policy by encouraging a commercial strip development pattern along Bell Road. In addition, these properties lie outside of the existing unmapped neighborhood commercial policy at the Bell Road/Old Hickory intersection. Ample commercial opportunities exist within this node on vacant properties."

Zone Change Proposal No. 98Z-169U

Map 95, Parcels 3 (4.48 acres), 4 (.3 acres), 5 (.45 acres),
6 (4.88 acres) and 7 (23.24 acres)
Subarea 14 (1996)
District 15 (Dale)

A request to change from RM20 and RS10 Districts to IWD District properties located at 1809, 1815, 1817, 1907 Lebanon Pike and Lebanon Pike (unnumbered), approximately 100 feet west of Gayland Court (33.35

acres), requested by Jim Donoho, appellant, for Nona Marie Parkerson, Rigoberto Riviera Jr. et ux, E.B. Parkerson Jr. et ux, William J. Donoho et ux, and Veterans of Foreign Wars Post 1291, owners.

Ms. Regen stated staff is recommending disapproval. In May of this year Councilmember Dale sponsored and the Commission adopted a Subarea 14 Plan amendment to add and extend commercial policy eastward along Lebanon Road at a depth of approximately 300 feet. At that time, staff advised the Commission that this area, when developed with commercial uses, should be of a small scale, such as CN, ON, SCN and MUN to insure the homes on the other side of Lebanon Road would not be adversely affected by the commercial uses. This request is to rezone the entire property for industrial use. Staff feels the commercial policy calls for less intense commercial zoning along Lebanon Road.

Ms. Nielson moved and Mr. Manier seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-821

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 98Z-169U is **DISAPPROVED (6-0)**:

This property falls within the Subarea 14 Plan's Commercial Arterial Existing (CAE) policy along Lebanon Pike and Industrial (IND) policy to the south. The CAE policy calls for a variety of office, commercial, and higher density residential uses which are compatible with the single-family residential area across Lebanon Pike. This policy was adopted by the Planning Commission on May 28, 1998 to encourage small-scale commercial uses along the Lebanon Pike frontage to a depth of 300 feet (e.g. ON, SCN, MUN, or CN). The IWD district does not implement CAE policy. Rezoning the back portion of these properties to IWD (beyond the first 300 feet off Lebanon Pike) would be consistent with the subarea's IND policy and the zoning pattern to the south. The IND policy calls for manufacturing, warehousing, and distribution uses."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 69-83-G
Santa Fe Cantina
Map 75, Part of Parcel 35
Subarea 14 (1996)
District 12 (Ponder)

A request for final approval for a portion of the Commercial (General) Planned Unit Development District abutting the west margin of Old Hickory Boulevard, approximately 1,100 feet south of Lebanon Road (2.79 acres), classified SCR, to replace the approved 11,000 square foot retail use with a 7,600 square foot restaurant and a 3,400 square foot office use. Also requesting final approval for the 3,400 square foot restaurant, requested by James and Associates, for Santa Fe Partners, Inc., owner. (Also requesting final plat approval).

Ms. Carrington stated that in this case the applicant is requesting deferral of the PUD and staff is recommending approval of the final plat subject to a condition that it would not be considered a building site until the final PUD is approved and subject to a bond for extension of utilities. Changes are still being made to the site plan so they have requested the PUD be deferred until the next meeting.

Mr. Browning stated that going ahead and approving the plat will allow some property transfer to occur. The essence of the final site plan is already known; all that will change in the next two weeks will be detail items.

Mr. Stephen Smith moved and Ms. Nielson seconded the motion, which carried unanimously, to defer the PUD and approve the following resolution:

Resolution No. 98-822

“BE IT RESOLVED by the Metropolitan Planning Commission that **FINAL APPROVAL OF THIS PHASE OF PROPOSAL NO. 69-83-G IS DEFERRED** at the request of the applicant; **FINAL PLAT APPROVAL IS APPROVED SUBJECT TO A NOTE ON THE PLAT THAT IT WILL NOT BE A BUILDING SITE UNTIL FINAL PUD APPROVAL AND A BOND OF \$112,000.00 (6-0).”**

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 98S-084G *(Public Hearing)*
Meadow Woods, Phase 2 (Second Revision)
Map 164, Parcel 145
Subarea 13 (1996)
District 29 (Holloway)

A request to revise a portion of the preliminary plan of subdivision for 145 lots abutting the north margin of Old Hickory Boulevard, approximately 1,875 feet west of LaVergne-Couchville Pike (40.95 acres), classified within the RS10 District, requested by Jerry Butler Builders, owner/developer, MEC, Inc., surveyor.

Ms. Carrington stated staff is recommending approval. This was originally approved in 1996 for 189 lots and the first revision was in March of this year and reduced the lot count to 130. This second revision proposes a lot count increase to 145. That was done by reducing the lot size; all lots still meets the zoning regulations. They are also proposing to reconfigure the detention pond, which Public Works has approved. Since their 1996 traffic study was considered expired, it was updated and has been approved by the Traffic and Parking staff; they are not requiring any improvements.

No one was present to speak at the public hearing.

Ms. Nielson moved and Mr. Stephen Smith seconded the motion, which carried unanimously, to close the public hearing and to approve the following resolution:

Resolution No. 98-823

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-084G, is **APPROVED (6-0).”**

Subdivision No. 98S-286U *(Public Hearing)*
Heath Subdivision
Map 130-8, Parcel 116
Subarea 10 (1994)
District 34 (Fentress)

A request for preliminary and final approval for three lots abutting the north margin of Harding Place, approximately 985 feet northwest of Lindawood Drive (1.93 acres), classified within the R20 District, requested by Margaret J. Heath, owner/developer, A & A Engineers, Inc., surveyor. (Also requesting final plat approval).

Ms. Carrington stated staff is recommending conditional approval of the preliminary plat and indefinite deferral of the final plat. There is one house on the property today and they are requesting to subdivide the one lot into three single family lots and are proposing a short cul-de-sac off of Harding Place. A creek runs through the lots and there have been considerable drainage problems in this area in the past. Public Works is ready to approve the preliminary concept, but they would like to continue to work with the applicant on the details of how they will handle the drainage. They do have a bridge to the house now that goes over the creek; this bridge will have to be rebuilt. They are in discussions with the Water Department about extending a water line. Staff is recommending approval of the preliminary plat with the final to come back at a later date.

Mr. Steve Hall stated this property was previously planned for 8 units and that has been dropped to 3. He stated he was aware of the existing drainage problems in the area, and they would continue to work with Public Works.

Mr. Stephen Smith moved and Ms. Nielson seconded the motion, which carried unanimously, to close the public hearing and to approve the following resolution:

Resolution No. 98-824

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-286U, is APPROVED PRELIMINARY PLAN OF SUBDIVISION AND DEFERRED INDEFINITELY THE FINAL PLAT (6-0).”

Final Plats:

Subdivision No. 98S-198G

Bobby Matthews Subdivision, Lots 1 and 2

Map 48, Parcels 64, 67, 67.1 and 236

Subarea 3 (1998)

District 1 (Patton)

A request for final plat approval to consolidate three parcels into one lot and record one parcel as one lot abutting the west margin of Drakes Branch Road, north of Briley Parkway (4.64 acres), classified within the RS40 District, requested by Bobby Ray and June Carlene Matthews, owners/developers, George C. Gregory, surveyor.

Ms. Carrington state staff is recommending approval with a variance to the maximum lot size in the Subdivision Regulations. This is a request to consolidate 3 parcels at the end of Drakes Branch Road into one lot and record a second parcel as a second lot. In this case sewer is not immediately available in the area and these lots will be on septic systems. The larger lot does exceed the maximum lot size but staff feels that since they are required to have septic systems that does require greater land area and may serve as justification for the variance.

Ms. Nielson moved and Mr. Stephen Smith seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-825

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-198G, is APPROVED WITH A VARIANCE TO SECTION 2-4.2D OF THE SUBDIVISION REGULATIONS (6-0).”

Subdivision No. 98S-305G
Rittenberry Acres
Map 63, Parcel 224 and Part of Parcel 120
Subarea 4 (1998)
District 9 (Dillard)

A request for final plat approval to subdivide one parcel and a portion of one parcel into two lots abutting the south margin of Hidden Acres Drive and the west margin of Neelys Bend Road (5.28 acres), classified within the RS40 District, requested by Walton G. and Alma W. Rittenberry, owners/developers, Land Surveying, Inc., surveyor.

Ms. Carrington stated staff is recommending approval with a variance to the maximum lot size in the Subdivision Regulations. There is a sewer line down Neelys Bend; however, because of the topography in this particular location this property cannot tap into it. The Health Department has recommended approval of a septic system on these lots.

Ms. Nielson moved and Ms. Warren seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-826

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-305G, is APPROVED WITH A VARIANCE TO SECTION 2-4.2D OF THE SUBDIVISION REGULATIONS (6-0).”

Subdivision No. 98S-306U
West Nashville Annex, Resubdivision
of Lots 28 and 29
Map 90-8, Parcel 109
Subarea 7 (1994)
District 22 (Holt)

A request for final plat approval to reconfigure two lots abutting the northwest margin of James Avenue, approximately 605 feet southwest of Frisco Avenue (.54 acres), classified within the R8 District, requested by Kimmel Realty Company, owner/developer, L. Steven Bridges, Jr., surveyor. (Deferred from meeting of 10/1/98).

Ms. Carrington stated staff is recommending disapproval. This item was on the previous agenda. The petitioner currently has two residential structures on the same lot, which is a violation of the zoning on the property. Therefore, the petitioner is attempting to resubdivide this and the adjacent, vacant lot to place each house on a separate lot. The plan of subdivision calls for widening the adjacent, vacant lot at the rear to include the second residential structure. The effect of the plan of subdivision is to create a flag shaped lot, which also is a violation of the subdivision regulations.

Staff pointed out to the Commission that the house in the rear was recently renovated; however, there are no records of any building permits being issued for the renovation. Had the petitioner applied for the required building permits, he could have been informed then that the house in question was in violation of the zoning code, and the petitioner could have then attempted to remedy the zoning violation before making a major investment into renovating the structure. Staff indicated the petitioner should not claim a hardship due to the renovation investment since he had not obtained the permits as required.

Staff stated that should the Commission chose to approve this subdivision it would require a variance to the 4 to 1 depth to width ratio in the Subdivision Regulations.

Chairman Smith stated that the construction of the second house obviously predates COMZO.

Ms. Carrington stated that was correct.

Mr. Charles Potter asked the Commission for approval and stated work had been finished on the back house. When he went for permits for the front house he was told he could not have a permit until the Commission approved the resubdivision.

Chairman Smith stated this did predate COMZO and was an existing situation. Mr. Potter cannot go forward without some resolution. There is an eye sore there now and the choice is to tear it down and have one lot or try to rehab them both with an odd lot shape.

Councilmember Garrett stated Mr. Potter will better the property and that many the lots in the area required a variance.

Councilmember Garrett moved and Mr. Stephen Smith seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-827

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 98S-306U, is APPROVED WITH A VARIANCE TO SECTION 2-4.2E OF THE SUBDIVISION REGULATIONS (6-0).”

OTHER BUSINESS:

1. Subarea 4 Plan office land use policy. (Deferred from meeting of 10/1/98.

Mr. Fawcett stated the staff had reexamined the land use policy along Briarville Road north of Briley Parkway. He stated staff still feels the demand for office land use policy is greatly exceeded by the supply of office opportunity in the area, particularly in light of the rather large office rezoning which the Council approved on the east side of Briarville Road. However, given the rather general pattern of office zoning already applied along Briarville Road by the Council, staff has developed a compromise land use pattern which the two council members in the area agree with, and which provides office policy to the property owners who appeared at the subarea public hearing to appeal for continued office policy.

Staff has applied an office concentration policy centered around Due West, Briarville and Graycroft and extends down to Charon Road. This incorporates the area that is either used or zoned for office type of use and allows for some future expansion should there be a market for it.

Councilmember Garrett moved and Ms. Nielson seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-828

BE IT RESOLVED that the Metropolitan Planning Commission hereby 1) amends the land use policies previously adopted for the *Subarea 4 Plan: 1998 Update* by Resolution No. 98-555 as follows: a) by applying Office Concentration (OC) policy to an area around the intersection of Due West Avenue and Briarville Road to which Residential Medium density (RM) and Residential Low density (RL) policies were applied on July 23rd, b) by reaffirming previously applied OC policy for a portion of the area deferred on July 23rd for further staff study, c) by applying RM policy to the remainder of the area deferred on July 23rd for further staff study, and d)” by incorporating the policies described in a) - c) above into Figure 8 ‘Subarea 4 Land Use Policy Plan’; and 2) **ADOPTS** the *Subarea 4 Plan: 1998 Update* as amended as part of the General Plan.”

3. Subarea 12 Plan amendment request.

Mr. Fawcett indicated a proposal has been submitted to rezone the vacant property north of Old Hickory Boulevard and east of the American General office complex to a commercial category. The intent is to develop offices in the area, as well as perhaps some ancillary restaurant and retail development. Mr. Fawcett stated this is one of the more desirable areas in Davidson County to develop offices and other commercial land uses. He further stated the location of the property near other office and commercial developments and near to an interstate interchange provided some justification for this kind of development.

However, when the subarea plan was passed the surrounding residents argued for not only residential policy, but wanted low density, single family residential development to occur at this location. The Commission determined that low density, particularly single family, residential development was not appropriate in this location. The Commission therefore applied residential medium density land use policy. Therefore, a general plan amendment would be necessary to allow office or other kinds of commercial development.

Mr. Fawcett further indicated that the proposal does not propose to extend Trousdale, a collector street, through the property to Old Hickory Boulevard. He stated the Commission should likewise open the major street plan to debate so that the Commission could consider the advisability of requiring this street extension or the need to amend the collector plan to eliminate this planned street.

Mr. Manier moved and Ms. Nielson seconded the motion, which carried unanimously, to set the public hearing for November 12, 1998.

2. Tree Ordinance Certificate for subdivision plats. (Deferred from meeting of 10/1/98).

Mr. Stephen Smith moved and Mr. Manier seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 98-829

“BE IT RESOLVED by the Metropolitan Planning Commission that it approves the Acknowledgement of the Tree Protection and Replacement Provisions of the Zoning Ordinance as follows:

**Acknowledgement of
Tree Protection and Replacement Provisions**

Name of Subdivision

The purpose of this certification is to inform the applicant for subdivision or planned unit development approval of the tree preservation and replacement provisions contained in the Metro zoning code, and how they may apply to the subdivision or planned unit development process.

The pertinent provisions of the Metro Code include Chapter 17.24, Article II, Tree Protection and Replacement; and Chapter 17.40, Article X, Tree Protection and Replacement Procedures.

Generally, all properties within the zoning jurisdiction of the Metropolitan government are subject to the above cited zoning provisions. It is the applicant's responsibility to verify when exemptions are applicable or when compliance is not required. Violation of the Metro zoning ordinance can result in a fine of up to \$500.

The applicant is informed that one important aspect of these regulations is that tree removal prior to recording a final plat of subdivision is prohibited, except within a defined area of disturbance approved by the Planning Commission. This area of disturbance must be limited to the area necessary to install streets, utilities and drainage features. Tree clearance prior to receipt of Planning Commission's approval of the area of disturbance will constitute a violation of the zoning provisions, unless tree removal permits have been otherwise obtained from the urban forester.

This acknowledgment is required with any application for subdivision approval, including residential, commercial and industrial subdivisions, and planned unit developments in which the subdivision of land is proposed. This certification must be completed by the owner of the property undergoing subdivision, or by a person who is empowered to execute a plat for recording on behalf of the owner.

I am the owner of the property which is the subject of this subdivision application, or an individual authorized to execute a plat of subdivision on the owner's behalf.

I am familiar with the provisions of Chapter 17.24, Article II, Tree Protection and Replacement, and Chapter 17.40, Article X, Tree Protection and Replacement Procedures of the Metro Code. No protected trees will be removed during subdivision construction except as authorized by the area of clearance plan made a part of the subdivision plans.

Authorized signature(s)

Authorized signature(s)''

5. Legislative update.

Ms. Carrington provided an update on the current legislative status of items previously considered by the Commission.

PLATS PROCESSED ADMINISTRATIVELY

October 1, 1998 through October 14, 1998

98S-121G The GATEWAY of HERMITAGE, Lots 2 and 3
Establishes a 20 foot NES easement

98S-253U LIPSEY AND NES PROPERTY
Interior lot line shift

98S-330G DEVON HILLS OPEN SPACE DEDICATION PLAT
Open space dedication

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 2:35 p.m.

Chairman

Secretary

Minute Approval:
This 29th day of October, 1998